

## **Remarks/Arguments**

### **Request for Reconsideration**

Applicants have carefully considered the matters raised by Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of Examiner's position based on amendments to the claims and the following remarks.

### **Claim Status and Comments**

Claims 15-19 are pending. Claims 15 and 19 have been amended. Details of the amendments will be discussed in more detail below.

### **Claim Objections**

Claims 15 and 19 had been objected to because of the following informalities: regarding claim 15 the Examiner noted, --the-- should be inserted before "undercut" in line 4; and regarding claim 19 the Examiner noted "so as to connect" in line 4 should be --connecting--.

Claims 15 and 19 have been amended accordingly.

### **Claim Rejections – 35 U.S.C. §112**

Claims 15-18 had been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicants regard as the invention. The Examiner noted it is unclear in claim 15 how the recitation "undercut is open when in a final mounting position of the

nut on the bolt holding the flange on the drive element” in lines 4-5 further limits the screwed joint. Additionally, the Examiner noted it is unclear how the recitation “the undercut being adapted to be engageable axially from behind by clamping elements of an assembly tool and kept spaced in relation to the flange during screwing together of the joint” in lines 7-9 further limits the screwed joint.

Claim 15 has been amended to make the claim more definitive by removing the word “when.” Applicants would like to point out that, contrary to the Examiner’s position, an undercut is not always open. As shown in Figure 7 of the claimed invention, the undercut is not enclosed on all sides. The undercut is shown as a groove that is not enclosed on one side. Thus, the undercut is “open.” As disclosed in Nelsen, the undercut is closed because an o-ring is installed in the undercut rendering the groove closed. Even if the o-ring was not installed in Nelsen, the undercut is still closed because it is enclosed on all sides. Unlike the claimed invention, the undercut of Nelsen has a race (36) that closes the undercut of Nelsen. Thus, the groove of Nelsen is never open; the undercut is always in a closed state in a final mounting position.

Additionally, Applicants note that the limitation “the undercut being adapted to be engageable axially from behind by clamping elements of an assembly tool and kept spaced in relation to the flange during screwing together of the joint” further defines the structure of the undercut of the nut. Thus, the statement is further limiting in regards to the claim.

Claim Rejections – 35 U.S.C. § 102

The Examiner made the following three rejections under 35 U.S.C. § 102(b): (1) Claims 15-18 had been rejected as being anticipated by Nelsen, *et al.* (GB 2,301,548); (2) Claims 15-19 had been rejected as being anticipated by Hetmann, *et al.* (U.S. Patent 3,635,303); and (3) Claims 15-19 had been rejected as being anticipated by Kato (U.S. Patent 5,651,588).

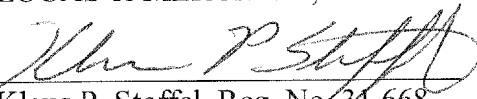
Claims 15-19 are distinguishable from the prior art references. The Examiner stated for all prior art references that the undercut can be adaptable to be able to be engaged axially from behind by clamping elements of an assembly tool and kept spaced in relation to the flange during screwing together of the joints. However, Applicants disagree. None of the prior art references disclose the limitation of the claimed invention. The Examiner stated that the undercut of the prior art references can act in the same manner as the claimed invention, but fails to provide support for this statement. None of the prior art references disclose such a limitation. None of the references disclose a structure wherein the undercut is “open” in a final mounting position of the nut on the bolt. Applicants cannot see, for example, how the undercut of Nelsen is open in final mounting position of the nut on the bolt, so as to be engageable by anything. Thus, the present invention is distinguishable from and patentable over the prior art references independently or in combination.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,  
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